

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 KYLE MICHAEL ISAACSON,

13 Defendant.

CASE NO. CR20-0154-JCC

ORDER

14
15 This matter comes before the Court on Defendant Kyle Isaacson's unopposed motion to
16 continue the trial and pretrial motions deadline (Dkt. No. 16). The current pretrial motions
17 deadline is October 15, 2020 and the current trial date is November 16, 2020. (*See* Dkt. No. 15.)
18 Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS in
19 part the motion for the reasons explained herein.

20 Mr. Isaacson requests that the Court continue trial until May 10, 2021 for two reasons.
21 First, Mr. Isaacson needs additional time to complete his investigation and to determine whether
22 he will proceed to trial. (*See* Dkt. No. 16 at 2.) Second, "a long continuance is warranted"
23 because of the COVID-19 pandemic's impact on the Court. (*Id.*) Accordingly, Mr. Isaacson
24 requests that the Court continue the trial until May 10, 2021 and the pretrial motions deadline
25 until April 5, 2021, and order that the time between the date of the Court's order and the new
26 trial date is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. (*Id.*) The Government does

1 not oppose Mr. Isaacson's motion. (*See* Dkt. No. 16 at 1.)

2 The Court must consider Mr. Isaacson's motion in the context in which it arises. Over
3 the past six months, the COVID-19 pandemic has significantly impacted the Court's operations.
4 (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court
5 incorporates by reference.) Specifically, the pandemic has rendered the Court unable to obtain an
6 adequate spectrum of jurors to represent a fair cross section of the community, and public health
7 guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in
8 the courtroom. (*See generally id.*)

9 Having thoroughly considered the briefing and the relevant record, the Court FINDS that
10 the ends of justice served by granting a continuance outweigh the best interests of Mr. Isaacson
11 and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 12 1. Mr. Isaacson needs additional time to complete his investigation and determine
13 whether to proceed to trial. Therefore, the failure to grant a continuance would deny
14 Mr. Isaacson's counsel reasonable time necessary for effective preparation. *See* 18
15 U.S.C. § 3161(h)(7)(B)(iv).
- 16 2. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
17 spectrum of jurors to represent a fair cross section of the community, which would
18 likely make proceeding on the current case schedule impossible or would result in a
19 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 20 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
21 Court staff to be present in the courtroom. Therefore, proceeding with the current trial
22 date would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

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1 Accordingly, the Court ORDERS:

- 2 1. The November 16, 2020 jury trial is CONTINUED until May 10, 2021.
- 3 2. The October 15, 2020 pretrial motions deadline is CONTINUED until March 29,
- 4 2021.
- 5 3. The period from the date of this order until May 10, 2021 is an excludable time
- 6 period under 18 U.S.C. § 3161(h)(7)(A).

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8 DATED this 29th day of October 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE